

DOCKET FILE COPY ORIGINAL SECTION

DA 95-2137

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Advanced Television Systems)
and Their Impact Upon the)
Existing Television Broadcast)
Service)

MM Docket No. 87-268

**ORDER GRANTING EXTENSION OF TIME
FOR FILING COMMENTS AND REPLY COMMENTS**

Adopted: October 10, 1995 ; Released: October 11, 1995

Comment Date: November 15, 1995

Reply Comment Date: January 12, 1996

By the Chief, Mass Media Bureau:

1. On July 28, 1995, the Commission, as part of its ongoing Advanced Television rulemaking proceeding, adopted a Fourth Further Notice of Proposed Rulemaking and Third Notice of Inquiry ("Fourth Further Notice").¹ Comments on the Fourth Further Notice were due on October 18, 1995, and reply comments on December 4, 1995.

2. On September 21, 1995, the Advanced Television Committee of the Electronic Industries Association ("Committee") filed a "Motion of the EIA/ATV Committee for Extension of Time." That Motion sought an extension of the comment and reply comment deadlines until November 1, 1995, and December 18, 1995, respectively. In support of that request, the Committee notes that, while it is sponsored by the Electronics Industries Association ("EIA"), its membership is not limited to EIA member companies. The current comment deadline, the Committee asserts, coincides with the EIA's annual conference, at which the Committee is next expected to meet. At this meeting, the Committee continues, it will finalize its position with respect to the issues raised in the Fourth Further Notice. The Committee does not believe that the brief extension it requests will prejudice any party; to the contrary, it believes that the Commission and the public will benefit "if the comments (it files) in this proceeding reflect the broad intra- and inter-industry consensus which the EIA/ATV Committee seeks to develop."

3. Subsequently, on October 4, 1995, the Information Technology Industry Council

¹ FCC 95-315, released August 9, 1995, 60 Fed. Reg. 42130 (August 15, 1995).

("ITI") filed a request for an extension of the comment deadline until November 29, 1995. In support, it asserts that its membership is diverse, representing the computer, information technology, and consumer electronics industries, and the additional time will be necessary to determine whether a consensus exists among ITI members on some or all of the many complex issues raised in the Fourth Further Notice.

4. Also on October 4, 1995, the Association of America's Public Television Stations and the Public Broadcasting Service ("Public Television") jointly filed a request for an extension of the comment deadline until December 13, 1995. While it welcomes the Commission's attention to the issue of whether to adopt special measures to facilitate noncommercial broadcasters' conversion to ATV, Public Television notes that this matter is also under consideration by Congress. Public Television seeks an extended comment period to allow its comments to reflect Congressional action, which it expects by the middle of November.

5. We are mindful that Section 1.46 of the Commission's Rules, 47 C.F.R. § 1.46, articulates a Commission policy that extensions of time for filing comments in rulemaking proceedings are not to be routinely granted. Nevertheless, in the instant case, we find that good cause exists for extending the comment and reply comment deadlines. Allowing the various affected industry groups time to develop consensus opinions that they would submit in comments could be most helpful to us as we consider and resolve the many complicated issues raised in the Fourth Further Notice. In addition, there are benefits to be derived from affording other parties an adequate opportunity for reasoned replies to those comments. However, we hesitate to extend the comment date until December 13, 1995, as requested by Public Television, because we do not want to unnecessarily delay the conclusion of this lengthy proceeding. Parties can address any Congressional action that occurs after the comment date we are establishing in reply comments. If necessary, another Further Notice of Proposed Rule Making can be issued. We do not anticipate that it will be necessary to allow a further extension of the time to file comments or replies in response to the Fourth Further Notice. Accordingly, we will extend both the comment and reply comment deadlines for approximately one month.

6. Accordingly, IT IS ORDERED, that the Motion of the EIA/ATV Committee for Extension of Time relative to the Fourth Further Notice of Proposed Rulemaking and Third Notice of Inquiry in MM Docket No. 87-268, IS GRANTED. IT IS FURTHER ORDERED, that the Motion of the Information Technology Industry Council and the Request by the Association of America's Public Television Stations and the Public Broadcasting Service for an Extension of Time ARE GRANTED to the extent indicated herein and, in all other respects ARE DENIED.

7. IT IS FURTHER ORDERED, that the time for filing comments in the above-captioned proceeding IS EXTENDED to November 15, 1995, and the time for filing reply comments IS EXTENDED to January 12, 1996.

8. This action is taken pursuant to authority found in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r), and Sections 0.204(b), 0.283 and 1.45 of the Commission's Rules, 47 C.F.R. §§ 0.204(b), 0.283 and 1.45.

FEDERAL COMMUNICATIONS COMMISSION


Roy J. Stewart
Chief, Mass Media Bureau